

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 794 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

HEMTAJI MANCHHAJI

Versus

STATE OF GUJARAT

Appearance:

MS SUBHADRA G PATEL for Petitioner
Mr H L Jani, APP for Respondent No. 1
NOTICE SERVED for Respondent No. 2, 3

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 25/09/98

ORAL JUDGEMENT

The grievance voiced by the petitioner in this Special Criminal Application is that though he applied to the I.G. (Prisons) on 5.5.1998 for grant of furlough leave, the same has yet not been decided. Mr H L Jani, learned APP states that I.G.(Prisons) has yet not received the police opinion which has delayed the disposal of the petitioner's application. There is

nothing to show as to what steps have been taken by the I.G.(Prisons) for obtaining the police report expeditiously. The petitioner has waited for almost 5 months. This is a sorry state of affairs.

2. In view of the aforesaid, this Special Criminal Application is allowed. The concerned jail authorities are directed to pass order granting furlough leave on just and usual conditions. In case there is substantial materials against the petitioner to deprive him of furlough leave, it will be open for the I.G. (Prisons) to approach this Court for recalling the order.

Rule made absolute to the aforesaid extent.

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msp.